

EXHIBIT “B”

Part 7 of 7

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 specifics on, you know, time frames.

2 An employee recalled
3 hauling hydrochloric acid from the
4 Bristol facility. DeRewal recalled
5 hauling acrylic latex and Sevin
6 insecticide and another DeRewal
7 employee recalled hauling drummed
8 wastes, types not specified.

9 There's just not enough
10 information there to be able to form
11 any meaningful -- I mean, do I
12 believe that waste was hauled from
13 Rohm & Haas Company during the period
14 of interest, yes.

15 Do I have any information
16 to be able to form an intelligent
17 opinion about what that waste was and
18 how much of it there was, I wasn't
19 comfortable.

20 Q. Can we turn to Simon
21 Wrecking?

22 A. Sure. Give me one second.

23 Q. Uh-huh.

24 A. Okay.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. And you believe that a
2 minimum of 178,000 gallons of waste
3 consisting of paint sludge, solvents
4 waste acid and waste oil were
5 generated by Simon Wrecking during
6 the 1969 to 1977 period, correct?

7 A. That is correct.

8 Q. And what is that based on?

9 A. If we turn to Table 8 in
10 the appendix of my report, we
11 summarize from Jonas ledgers, there's
12 entries of drums, which I believe are
13 converted to gallons, and then, in
14 some instances, reports of just
15 gallons of paint sludge solvent,
16 waste acid, and waste oil. This is
17 what we were able to pull from the
18 factual information.

19 We were able to look at
20 tank wagons and, because of some
21 cross-referencing, we were able to
22 get an understanding of what the
23 volume of a tank wagon typically
24 was. And we made an assumption that,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 if the tank wagon went, the tank
2 wagon was filled.

3 The problem with this is
4 that we aren't really sure what the
5 exact dates are for this.

6 Q. Dates of what?

7 A. Of when these things were
8 picked up. I don't believe the Jonas
9 ledger, it gives us months and days,
10 but it doesn't give us years, so we
11 assume, if you look at the note on
12 the bottom, all data are assumed to
13 date from the same year because of
14 the position they were on the ledger,
15 but we have no idea what the year is.

16 Q. Okay. And why is it that
17 you were not able to extrapolate with
18 respect to Simon Wrecking?

19 A. If we -- we are fairly
20 confident that the 178,000-gallon
21 volume estimate is accurate, but we
22 have no idea if this is from June to
23 July of 1970, 1976, and what year.
24 It may be even conceivably, although



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 I don't think so, but outside the
2 period of interest. We just don't
3 know.

4 So I was very uncomfortable
5 in principle, when I don't even know
6 what year this information
7 represents. If I knew the year, then
8 I probably would have done an
9 extrapolation.

10 Q. So if I were to say, Assume
11 that it all came from 1976, then you
12 would be able to do an extrapolation
13 with respect to Simon Wrecking?

14 A. As long as no one would
15 have an objection to that assumption,
16 yes. If we know for certain that it
17 came from 1976. And then we also
18 have insight, and I don't recall
19 anything in the record that suggests
20 that this operation significantly
21 changed over the eight-year period of
22 interest.

23 I would want to research
24 that a little more. I think in this



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 instance, because we didn't even know
2 what year this came from, I simply
3 decided we were going to report the
4 volume and that's it.

5 Q. Do you know the time period
6 that Simon Wrecking operated?

7 A. I believe it operated
8 during the period of interest, 1969
9 to 1977. I do not, off the top of my
10 head, know if we were given the
11 information on their entire
12 operational history.

13 Q. And what's the basis for
14 your belief that they did operate
15 during the period of interest?

16 A. I don't recall specifically
17 seeing a document that said they
18 didn't operate during the period of
19 interest, so the assumption was that
20 they did operate during the period of
21 interest. I mean, this issue -- they
22 are a PRP at this site, and
23 presumably, you know, it's thought
24 they might have sent waste here.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 So -- I know very little
2 about Simon Wrecking, I was given
3 very little information about Simon
4 Wrecking.

5 Q. So my question is knowing
6 what you do know that's set out on
7 Section 4.7.1.1 and Section 4.7.1.2,
8 if you knew the year of the Jonas
9 records --

10 A. Sorry, go ahead.

11 Q. Knowing what you do know
12 that's contained in Section 4.7.1.1
13 and 4.7.1.2 of your report, if you
14 did know the year of the Jonas
15 ledger, then you would extrapolate;
16 is that correct?

17 A. That is correct.

18 Q. And why is that? Why
19 specifically with respect to Simon
20 Wrecking? What information in those
21 two sections would allow you to
22 extrapolate?

23 A. I would look at two months'
24 worth of record and say that at a



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 minimum this is the amount of
2 material that was produced for that
3 two-month period of time. It may
4 actually be more than that, because
5 June is very sparsely represented.
6 It's primarily one month of record.

7 So I'm just -- I'm very
8 uncomfortable given that I can't even
9 say with certainty what year this
10 information represents to do an
11 extrapolation. It is just a judgment
12 call.

13 If it was identified as
14 1972, so I know it's within the
15 period of interest, and, you know,
16 I'm aware -- I have no reason to
17 believe that their operations
18 substantially changed during that
19 period of time, then, yes, I would be
20 comfortable doing an extrapolation.

21 Would it be as good an
22 extrapolation as some of the others
23 we have done? Perhaps not. One
24 thing, I think, that is important to

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 know is that not all extrapolations
2 are necessarily of equal weight.
3 What we are trying to do here is fill
4 in gaps and information where ideally
5 we should have that information and
6 we don't.

7 Q. So what you are saying is
8 you would extrapolate based on the
9 information you know about Simon
10 Wrecking if you knew the year of the
11 Jonas ledger, correct?

12 A. That would be a big factor
13 in my decision to go ahead and
14 extrapolate, yes. I would also want
15 to probably look at Simon a little
16 more closely, although, again, we
17 don't have a lot of records.

18 Q. My question is, then, if
19 that's the case, how is that
20 different from Quickline, where, with
21 respect to Simon Wrecking you have
22 two months of waste records and with
23 respect to Quickline you have one
24 record, but you have the same little

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 bit of information about both of
2 those it seems.

3 A. We did essentially the same
4 thing with both Quickline and Simon,
5 we simply reported what we knew.

6 Q. So is it the case that,
7 even if you did know the year of the
8 Jonas ledger, you would not
9 extrapolate with respect to Simon
10 Wrecking?

11 MS. FLAX: Objection.

12 THE WITNESS: If I knew the
13 year, then I would make an attempt at
14 extrapolation, and at the end of the
15 process would I -- because, you know,
16 as I indicated before, we go through
17 this process. I made a decision very
18 early on because I don't even know
19 the year, I'm simply going to report
20 the volume. That's it, and I'm not
21 going to go any further with in.

22 Q. But I'm asking you, if you
23 did know the year.

24 A. If I did know the year, I



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 would take that into consideration
2 and likely extrapolate, but I would
3 also want to look at the entire base
4 of knowledge of Simon Wrecking again
5 to form a final opinion. It is not
6 just a bright line, flip the switch
7 on or off.

8 Q. And you couldn't say, based
9 on the information that's listed in
10 your report here, based on the stuff
11 that you have listed in your report
12 here, instead of going out and
13 looking at Simon Wrecking again,
14 looking at the stuff that's right in
15 front of you, would you extrapolate
16 or not, if you knew the year of the
17 Jonas record?

18 MS. FLAX: Objection.

19 THE WITNESS: I believe,
20 and I have said before, at least a
21 couple times, that I would probably
22 extrapolate. This is -- 178,000
23 gallons for a thirty-day period of
24 time is a fair amount of material.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 BY MS. TROJECKI:

2 Q. So since you are saying
3 that you would extrapolate, what is
4 it about Simon Wrecking that would --
5 what is it about the information in
6 4.7.1.1 and 4.7.1.2 that would cause
7 you to make that decision, what
8 specifically?

9 A. I'm trying my best to
10 answer the question that I think you
11 are trying to get at. I don't know
12 how to add anything more to our
13 discussion than probably what I have
14 already said.

15 Q. Let me just try to one more
16 time, too.

17 The problem that I'm having
18 is that the information you have
19 about Quickline that's contained in
20 the manufacturing and the waste
21 generation section seems to be
22 similar to the information you know
23 about Simon Wrecking.

24 A. Yes, except for there's --



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 in Quickline we had 1,900 gallons and
2 here we have 178,000 gallons for a
3 very limited period of time. Other
4 than that, yes, it's, you know, it's
5 similar, I will accept that.

6 Q. So was that the difference,
7 then, the amount of wastes? So if
8 you say you have 178,000 gallons in
9 two months you can extrapolate, but
10 if you only had 1,925 in one month
11 then you can't?

12 MS. WRIGHT: Objection.

13 THE WITNESS: I wouldn't
14 say that. I wouldn't say that. I
15 wouldn't say that that's the
16 determining criteria.

17 As I said at the very
18 beginning, since I didn't know the
19 year that this represents, at the
20 very beginning, at the very onset I
21 said I am uncomfortable with
22 extrapolating this. The data should
23 be able to tell me what year this
24 represents, and if it can't then I



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 simply would do what I did with
2 Quickline and report the volume.

3 And it's almost certainly a
4 minimum quantity, but I cannot say
5 more than that.

6 BY MS. TROJECKI:

7 Q. I understand that. And I
8 understand that you said that if you
9 did know the year you would
10 extrapolate.

11 A. I would likely extrapolate,
12 yes.

13 Q. And you did say that the
14 information that you know about
15 Quickline is similar to the
16 information you know about Simon
17 Wrecking?

18 MS. WRIGHT: Objection.

19 THE WITNESS: It's limited
20 in both instances.

21 BY MS. TROJECKI:

22 Q. But with respect to
23 Quickline you did not extrapolate,
24 but you would extrapolate with



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 respect to Simon Wrecking?

2 MS. FLAX: Objection.

3 MS. WRIGHT: Objection.

4 BY MS. TROJECKI:

5 Q. Is that correct?

6 A. I would be inclined to
7 extrapolate Simon Wrecking, yes.

8 Q. And can you tell me why you
9 would do it with respect to Simon
10 Wrecking and not Quickline?

11 MS. WRIGHT: Objection.

12 THE WITNESS: All right,
13 let's go into Quickline.

14 In the case of Quickline,
15 we have a DeRewal invoice for 35
16 drums of waste chromic acid in 1973.
17 We're assuming those drums are 55
18 gallons and that they are full. It's
19 a relatively small quantity in a
20 one-time event.

21 Here for Simon Wrecking we
22 have what would be construed as a
23 one-time event, but there are
24 interestingly many tank wagons, many



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 drums over a 20, 25-day period, which
2 reflects a substantially larger
3 volume of waste material.

4 In Quickline this may just
5 have been an incidental generation of
6 waste. When you look at Simon
7 Wrecking, there's at least a small
8 glimmer that there's quite a bit of
9 waste being generated here.

10 BY MS. TROJECKI:

11 Q. Okay.

12 A. And you are asking me about
13 a hypothetical, what I would do if I
14 had the year, and I said yes, I would
15 probably extrapolate, but I would
16 also go back and take a look at all
17 else that I know about Simon
18 Wrecking, because, again, the
19 decision to not extrapolate was one
20 that I reached very early in this
21 process, because I didn't really -- I
22 couldn't even say what year it is,
23 and I'm just uncomfortable with the
24 ledger and the quality of the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 information to allow me to do that,
2 and, hopefully, that addresses your
3 concern.

4 Q. Okay, let's move on to
5 Sperry/Burroughs. You believe
6 that -- and I'm going to refer to
7 Sperry/Burroughs and Unisys all as
8 the same company, as Sperry.

9 A. Okay.

10 Q. You believe that Sperry
11 generated a minimum of 3,615 gallons
12 of waste from 1969 to 1977, correct?

13 A. Let me change that or
14 clarify that.

15 If you look at Table 9 in
16 my appendix for Sperry/Burroughs, the
17 period of time where we have factual
18 information is 1972 to 1974. So in
19 the case of Sperry/Burroughs, what we
20 are able to tally up using, in one
21 instance, a purchase order issue to
22 DeRewal, a Univac purchase order, and
23 a DeRewal chemical invoice, the total
24 is 3,615 gallons. And this is for



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 two different facilities, Blue Bell,
2 Pennsylvania, and Utica, New York.

3 So, basically, we concluded
4 on Page 4-12 of my expert report
5 those data are listed in Table 9 and
6 summarized in Table Roman Numeral IX
7 as totaling 3,615 gallons. They are
8 considered too limited to permit an
9 estimate or extrapolation of monthly
10 annual waste volumes.

11 So this fits into the
12 Quickline kind of model. I simply
13 don't have enough information to be
14 able to say. Also, the biggest
15 quantity or element of this waste is
16 something just called industrial
17 waste.

18 Q. And what does that -- how
19 does that --

20 A. It doesn't tell me anything
21 about the process that generated it.

22 Q. Let's move on to the Navy.
23 I am going to go with your counsel's
24 previous stipulation that the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 information is limited to the
2 documents you reviewed and deposition
3 testimony.

4 A. Yes.

5 Q. And you were not able to
6 render any opinion about the estimate
7 of total waste quantified by the
8 Navy; is that correct?

9 A. That is correct.

10 Q. And why is that?

11 A. In Section 4.9.2 of my
12 expert report, there's two pieces of
13 information from deposition testimony
14 that we consider to be very sketchy.

15 One is J. Barsum recalling
16 two waste pickups at Johnsville Air
17 Base, less than 20 drums each time.
18 And then Manford DeRewal recalls
19 picking up drums from the naval
20 facility off Street Road on two or
21 three occasions. They were in either
22 in 5- to 55-gallon containers,
23 possibly 10 to 20 drums.

24 It's just very hearsay-type



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 recollection. It's not anything that
2 I can put my hands on. Wouldn't even
3 begin to try to understand what the
4 nature of the wastes generation at
5 the Navy's facilities were. And I
6 assuming that it is just Warminster.
7 I'm assuming that the Johnsville and
8 the Navy facility off Street Road are
9 the same. I believe they are.

10 Q. Okay. Now, for many of the
11 plaintiffs and settled defendants,
12 with respect to quantifying their
13 waste types, you have indicated that
14 a lot of times it was a personal
15 judgment call and I believe you used
16 those words exactly several times
17 today?

18 A. That's correct.

19 Q. So what expertise did you
20 apply in making the personal judgment
21 call that you did in creating this
22 report?

23 A. Well, I thought we had
24 discussed that in the past in terms



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 of the expertise that I brought to
2 this assignment.

3 Q. Okay, so you named in the
4 past two areas that you considered
5 yourself to be an expert, hydrology
6 and site remediation?

7 A. That's correct.

8 Q. Did the hydrology side
9 factor into the preparation -- your
10 hydrology expertise factor into the
11 preparation of this report?

12 A. Not directly, no.

13 Q. So it's the site
14 remediation expertise?

15 A. That's correct.

16 Q. And what expertise on the
17 site remediation side did you utilize
18 in making the personal judgment calls
19 that you made?

20 A. That's an over -- that's a
21 very, very broad question.

22 We talked quite a bit this
23 morning about the experience that I
24 have doing compliance audits, working



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 in industrial facilities, taking
2 environmental contamination and
3 tracing it back to its source and
4 trying to mitigate the sources of
5 contamination at industrial
6 facilities.

7 That experience directly
8 relates to -- coupled with the
9 environmental remediation side of
10 managing and handling wastes and
11 sending wastes to facilities and
12 knowing how it is packaged and
13 knowing the RCRA regulations, knowing
14 the Superfund regulations, all of
15 that comes together in being able to
16 evaluate what a waste is, how to
17 quantify it, and how to evaluate how
18 it was handled by each of these
19 companies.

20 Q. So in the case of
21 Quickline, for instance, what
22 expertise particularly did you apply
23 to say, No, I don't have enough
24 information to extrapolate here? I

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 mean, couldn't I do the same thing,
2 read a document and say it looks like
3 there are entries for March, January,
4 February, it doesn't look complete,
5 why not just extrapolate?

6 A. It's entirely possible that
7 you could. I'm not going to say that
8 you couldn't.

9 MS. TROJECKI: Just take a
10 quick break. I want to read the
11 revised report.

12 (Recess taken)

13 BY MS. TROJECKI:

14 Q. During our 10, 15 minute
15 break, I quickly reviewed your
16 revised report and I guess,
17 generally, the question I had with
18 respect to the revised report is, did
19 any of the information that you added
20 in the revised report change any of
21 your ultimate opinions with respect
22 to each plaintiff or settled
23 defendant?

24 A. It, in my opinion, made



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 minor changes to a couple of the
2 plaintiffs or settled defendants
3 final tallies;; it didn't make a
4 substantive change in terms of the
5 magnitude of wastes that we think
6 might have been generated.

7 Q. Was there ever an instance
8 where you extrapolated in one
9 instance and got some of these
10 documents and decided that you
11 shouldn't extrapolate or, vice versa,
12 that you didn't extrapolate, reviewed
13 the documents and then made a
14 decision to extrapolate?

15 A. I don't think it would have
16 changed decisions on extrapolation.
17 There is, though, I think in
18 Cyanamid, there is an MIT article
19 that we received, and in there they
20 did research basically looking at a
21 manufacturing process to try to
22 remove aniline or some -- I forget
23 exactly what the constituent was, but
24 they produced a number for ammonia



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 waste that differs from what we had
2 in the tables.

3 And what we are proposing
4 in this report is not necessarily to
5 change the conclusions but simply to
6 include this other source of
7 information in our compilation of
8 multiple sources of waste generated
9 at the Cyanamid Bound Brook facility.

10 Q. Let's actually mark your
11 revised copy of your expert report.

12 A. Do you have another copy of
13 that?

14 Q. No.

15 A. I brought one with me. Is
16 it okay for me to make reference to
17 that?

18 Q. Yes. Uh-huh.

19 (Hochreiter Exhibit 12 was
20 marked for identification.)

21 BY MS. TROJECKI:

22 Q. So we marked as Hochreiter
23 12 the revised copy of your expert
24 report, which is -- we have actually



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 marked a letter dated February 26,
2 2007, from Lynn Wright to me that
3 includes the sections of the reports
4 that were revised.

5 A. Okay.

6 Q. So your conclusion with
7 respect to American Cyanamid in the
8 unrevised report was that the
9 extrapolated quantity of waste
10 generated by American Cyanamid based
11 on the American Cyanamid records --
12 well, let me just refer you to Table
13 I, Roman Numeral I, of your unrevised
14 report.

15 A. Okay.

16 Q. And the question is does
17 the information in this MIT research
18 report change the numbers that are
19 listed in Table 1a?

20 A. My recollection is that we
21 did not change those numbers. What
22 we did was we simply added the new
23 information to Table 1a, which is the
24 parent of Table I, if you will.



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. So you did issue a revised
2 Table I?

3 A. Yes, we're on Table 1a.

4 Q. I don't have that. Oh, not
5 Roman Numeral I, just revised 1.

6 A. Not Roman numeral, yes.
7 You see that at the bottom, it's
8 shaded. Yes. Yes.

9 Q. Does that actually say
10 something?

11 A. It does on my version.

12 Q. What does it say?

13 A. Why don't you read it.

14 Q. Okay, so aqueous ammonia
15 annual volume 2.9 million pounds?

16 A. Right. Yes.

17 Q. And you originally had,
18 based on the American Cyanamid
19 records, 721,780 pounds of ammonia,
20 correct, for this '76 to '78 time
21 period?

22 A. Where do you see that?

23 Q. The first page of Table 1a.

24 MS. FLAX: I believe she's



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 looking in your original report that
2 was marked Hochreiter 1.

3 THE WITNESS: In this
4 table?

5 BY MS. TROJECKI:

6 Q. The first table was 1a,
7 which I do not believe was changed.

8 A. I don't think it was
9 changed either. I just probably --
10 okay, and, again, what number do you
11 want me to verify?

12 Q. The 721,780.

13 A. Yes, that's correct.

14 Q. So that's one estimate of
15 ammonia generation generated by
16 American Cyanamid during a certain
17 time period, correct?

18 A. That is correct.

19 Q. And another estimate is on
20 Table 1a, the second page, for the
21 year 1976 for ammonia you have in
22 gallons 615,000 gallons?

23 A. That is correct.

24 Q. And for 1977 200,000



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 gallons?

2 A. That's correct.

3 Q. So do you have any opinion
4 as to whether the MIT study or the
5 Jonas records or the American
6 Cyanamid records, which of those is
7 the most accurate estimate of ammonia
8 generation?

9 A. Again, it's hard for me to
10 indicate which particular record is
11 better or worse than another;
12 however, in this one instance, I will
13 say that in reading the MIT report
14 the purpose of the MIT report was not
15 to opine as to how much ammonia,
16 aqueous ammonia is created.

17 Its intention was to do
18 some research and figure out how to
19 remove aniline contamination from the
20 process. And as a result, they
21 reference 2.9 million pounds of
22 aqueous ammonia. That is a different
23 category of information in my mind
24 from the actual Cyanamid reporting



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 records where they are presumably
2 actually counting the pounds in the
3 field at the facility.

4 What we say in the
5 conclusion on Page 3-6 of the revised
6 report, the last new sentence, "The
7 extrapolated totals at least with
8 respect to ammonia waste liquid may
9 represent minimum quantities if as
10 noted by the 1975 MIT research report
11 2.9 million pounds of aqueous ammonia
12 were in fact generated annually."

13 Q. Are there any other
14 instances in the revised report where
15 there was a change in the conclusion
16 with respect to a particular
17 plaintiff or settled defendant?

18 A. Give me a minute. Let me
19 just look at the language. I think
20 that was the one that stuck out as
21 probably the most significant, but I
22 want to be careful.

23 For Philco Ford it appears
24 that some additional waste generation

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 information was provided in the new
2 documentation.

3 Q. I think I might be -- was
4 there a change -- is there a Page
5 3-17 on your revised report?

6 A. I'm sure there is. What we
7 gave you were just those pages that
8 were revised.

9 Q. Because I assume that, if
10 there's new documentation of waste,
11 that would be reflected in the last
12 paragraph, but I don't have that.

13 A. For which company?

14 Q. Ford.

15 A. May I see that?

16 MS. FLAX: Off the record
17 for a second.

18 (Discussion off the
19 record.)

20 THE WITNESS: The
21 conclusions for Ford did not change.

22 BY MS. TROJECKI:

23 Q. Okay.

24 A. What I want to do is I want



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 to pull the table.

2 Q. 3?

3 A. Yes, so that's fine. What
4 you have is correct.

5 Q. So Table 3 didn't change at
6 all?

7 A. No. No, it did not.

8 Q. So what is the new
9 information, then, that you learned
10 about Ford?

11 A. Ford indicated that 184
12 55-gallon drums or 10,120 gallons of
13 waste finishing material was removed
14 by DeRewal Chemical Company from the
15 Watson town plant and that
16 approximately 32 55-gallon drums of
17 industrial waste solution were
18 removed by DeRewal Chemical Company
19 from Plant 50.

20 Q. Is that information
21 requested in Table 3?

22 A. The problem that we have is
23 we don't really know whether that
24 material is included in Table 3,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 whether it is already indicated by
2 the entries or whether it's truly new
3 information. So to be conservative
4 we decided not to modify the table.

5 Q. Okay. Are there any other
6 sections or any other instances in
7 your report where the conclusions may
8 have changed with respect to a
9 particular plaintiff or settled
10 defendant?

11 A. What I will do is I'm just
12 going to skim the tables, because if
13 there was a substantive revision it
14 would be reflected in the table.
15 Keep in mind that there are a couple
16 of references in here to additional
17 information that we're still looking
18 for.

19 Q. Okay.

20 A. So it's possible that if
21 that additional information manifests
22 itself we may still want to revisit
23 this yet again.

24 If we go to Ciba-Geigy,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Table 6a is probably a good place to
2 focus. If you look at the new 6a,
3 and I'm hoping you can read it in
4 black and white. I'm going to show
5 you this version with Lynn's
6 permission, okay. You will see that
7 there were a few additional entries
8 for, I think it's spent acid.

9 Q. And are the additional
10 entries in color?

11 A. They are, yes.

12 Q. So these were new documents
13 that you found with respect to Ciba-
14 Geigy that actually resulted in you
15 increasing the total number of
16 gallons?

17 A. Actually, we ended up
18 decreasing the total number of
19 gallons slightly. The extrapolated
20 waste volume. Because what that
21 additional information did was it
22 depressed slightly the annual
23 averages that we were using, so it
24 brought the number down slightly.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 The new number of
2 extrapolated eight-year waste acid
3 volume for Ciba-Geigy is 705,199. If
4 I remember off the top of my head,
5 the old number was 720 maybe. Let's
6 pull Table 6b from the original
7 report.

8 Q. 728,239?

9 A. Yes. That sounds right.

10 Q. Okay. I want to -- I'm
11 going to show you some documents that
12 were produced by defense counsel --

13 A. If you give me one -- I
14 just want to make certain I have
15 answered your question thoroughly,
16 and I believe I have now, yes.

17 Q. I want to show you some
18 documents that were included in the
19 documents that defense counsel sent
20 to me that were presumably in your
21 file.

22 The first document is
23 titled "Boarhead Farms Deposition
24 Summary: Pertinent facts stated



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 about each litigation," and then it
2 just cuts off with "par." I assume
3 that's party. "Draft work in
4 progress." And on the top it says
5 deponent name Marvin Jonas, depo
6 date, no exhibits provided for SEC
7 review, dated April 14, 1986.

8 Do you know who prepared
9 this document?

10 A. This was prepared by
11 Valerie and I. And, actually, it
12 printed very strangely. This is an
13 Excel table that wasn't formatted
14 properly for printing, so that's why
15 you can't read it. I'm not sure I
16 would want to try to read it in this
17 format.

18 Q. Do you still have it saved
19 on your computer?

20 A. I produced it to Lynn and
21 I'm sure Lynn has it electronically,
22 as I'm sure I probably do as well.
23 So it could be --

24 Q. Reformatted and printed so



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 it is readable?

2 A. Yes.

3 Q. Okay.

4 A. But what this was was a
5 working document that we used as we
6 were reviewing depositions to try to
7 cull out the pertinent information
8 from each of them. And we did that
9 relative to the individual
10 plaintiffs.

11 Q. Did Valerie create this or
12 did you?

13 A. Valerie formatted it; I
14 provided input, as did she, as we
15 were reviewing material.

16 Q. Okay. Okay, the next
17 document I want to show you is an
18 e-mail from Valerie Holliday to you
19 dated September 10th, 2006, with an
20 attachment that says Table 1, Chrono
21 Events, BHF.doc, and then there is an
22 attachment that has a Table 1,
23 Chronologic History of Events
24 regarding DeRewal Chemical Company



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 and Boarhead Farms Superfund site.

2 A. Do you want to mark this?

3 Q. No.

4 Who created this document?

5 A. This was created by
6 Valerie. I asked her to pull
7 together a table that essentially
8 gave us in one concise easy to manage
9 format what the DeRewal operating
10 history was.

11 Q. The next thing I'm going to
12 give you is a document that's titled
13 Notes of an Interview, Larry Piotti,
14 and it's notes of an interview with
15 Larry Piotti on December 3rd, 2005,
16 at his house in Pottstown.

17 And at the end of that
18 document are two notes of telephone
19 conversations, one dated January 7,
20 2005, regarding a telephone
21 conversation with Earl Wagner and
22 another dated January 11, 2005,
23 regarding a telephone conversation
24 with Francis Kline.



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Do you know who created
2 this document?

3 A. I don't know who created
4 this document.

5 Q. It is something that was
6 given to you by defense counsel; is
7 that right?

8 A. That's the only way we
9 would have received it, yes.

10 Q. And do you know who the I
11 on Page 5 of that document, who the
12 person is that spoke to Earl Wagner,
13 who the I refers to?

14 A. I do not.

15 Q. The next document is a
16 document that's dated September 8th,
17 2006, entitled Carpenter Technology
18 Corp Boarhead Farms Ford Production
19 Index. Do you know who created this
20 document?

21 A. I do not know who created
22 this document. I know that I did
23 not.

24 Q. Did you use it at all in --



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 did you consider it in your expert
2 report?

3 A. I believe so. I believe we
4 did, yes.

5 Q. How so?

6 A. I can't recall. I really
7 don't know. I mean, I remember
8 seeing that document, but I don't
9 know who created it.

10 Q. Okay. Are these documents
11 that we are going through listed in
12 your report as documents you
13 considered? Do you know if you
14 listed them?

15 A. We tried to list every
16 single document that we used in the
17 report, so I'm going to assume that
18 it's listed, but I can't say with
19 certainty. I do remember seeing that
20 document, but --

21 Q. Then the last one I'm going
22 to show you is an e-mail from you to
23 Valerie Holliday dated September 11,
24 2006, and it references an



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 attachment, BF Drums one dot XLS, and
2 there's an attachment that's entitled
3 Boarhead Farms Privileged and
4 Confidential Draft Prepared at the
5 Request of Counsel, Drum Allocations
6 Based on Tetra Tech June 25th, 2004
7 Remedial Action Oversight Report.

8 Did you prepare this
9 document?

10 A. I did prepare this
11 document.

12 Q. Was the substance of this
13 document ultimately contained in your
14 expert report in this matter?

15 A. It was not.

16 Q. And you have no opinions
17 with respect to any of the contents
18 of the attachment regarding drum
19 allocations; is that correct?

20 A. That is correct.

21 MS. TROJECKI: Okay, I'm
22 done. Thank you. I have no other
23 questions.

24 THE WITNESS: Okay.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(Thereupon, at 6:04 p.m.
the deposition concluded.)



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

WITNESS CERTIFICATION

I hereby certify that I
have read the foregoing transcript of
my deposition testimony, and that my
answers to the questions propounded,
with the attached corrections or
changes, if any, are true and
correct.

DATE _____ JOSEPH J. HOCHREITTER, JR.,
CGWP

PRINTED NAME _____



James DeCrescenzo Reporting, LLC

215.564.3905

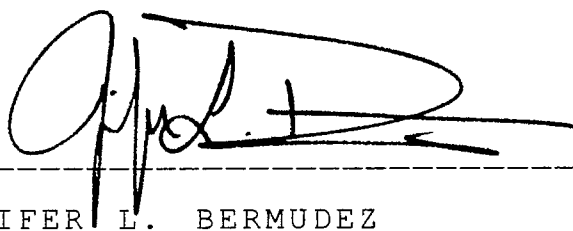
Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

CERTIFICATION

I, JENNIFER L. BERMUDEZ, a Court Reporter in and for the Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



JENNIFER L. BERMUDEZ

Court Reporter and Notary Public



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581